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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

IN THE MATTER OF THE COMPLAINT
OF SEASTREAK, LLC, AS OWNER OF
THE VESSEL SEASTREAK WALL STREET
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Civil Action No. 2:13-cv-00315-WJM-MF

**CLAIM OF DAMAGE OF
YUAN WANG**

CLAIM OF DAMAGE

Claimant, Yuan Wang, a passenger on the SEASTREAK WALL STREET, a high speed catamaran ferryboat, by and through his attorney, Michael S. Simon, Esq., of SIMON, MONAHAN & SIMON, LLC., claiming of limitation plaintiff Seastreak, LLC as owner, *owner pro hac vice* and/or charterer of the vessel SEASTREAK WALL STREET pursuant to Rule F(5) of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and without prejudice to claimant's right to seek a trial by jury of his claims, whether in the within Court or within an appropriate state court as authorized by the "saving to suitors" clause of the Judiciary Act of 1789 as amended, codified at 28 U.S.C. § 1331(1), makes this claim against the above named Seastreak, LLC, as follows:

1. Seastreak, LLC is an/the owner or owner *pro hac vice* of the vessel SEASTREAK WALLSTREET, a high speed catamaran ferryboat, which ferryboat on the 9th day of January, 2013, violently collided with Pier 11 in the East River in downtown Manhattan while transporting fare paying passengers.

2. On the aforesaid date, Claimant, Yuan Wang, lawfully aboard and a paying passenger on said vessel, was violently thrown about, causing him to suffer severe, grievous, permanent and irreparable physical, emotional and psychological injuries.

3. The full extent of claimant, Yuan Wang's, permanent injuries are not yet known.

4. At all pertinent times, the Vessel was being operated, controlled, managed and/ or maintained in a reckless, dangerous, careless and negligent manner by the Master, officers, crew, owners and agents of the SEASTREAK WALL STREET.

5. As a result of the reckless, dangerous, careless and negligent manner the vessel SEASTREAK WALL STREET was being operated, it collided with Pier 11, East River with great force and impact causing serious and diverse injuries to YUAN WANG as he rode the ferry as a lawful passenger.

6. The collision was caused by, among other things, the failure of Seastreak, LLC to operate said vessel in a safe and proper manner, in accordance with principles of good seamanship. Specifically, Petitioner:

- a. Willfully and in reckless disregard for the safety of the passengers, operated the vessel at an excessive rate of speed considering the conditions then existing;
- b. Established as its customary practice and procedure unsafe and reckless navigational and docking procedures, whereby the speed of the vessel was primary, and safety an afterthought;

- c. Failed to conduct adequate sea trials following vessel modifications to ensure that the vessel, its engines and navigational equipment could safely operate under the extreme conditions established by the vessel owner/ operator;
- d. Failed to adequately train the crew to react in response to foreseeable emergency conditions that could result from the high speed operation of the vessel;
- e. Failed to adequately supervise the crew;
- f. Failed to properly inspect and/ or maintain the vessel;
- g. Lacked the ability to properly maneuver the vessel, or to adequately respond to the complaints of the master and crew that the vessel was difficult to maneuver;
- h. In the overhaul of the vessel, improperly substituted equipment to increase economy at the expense of safety and performance;
- I. Failed to have adequate back up systems in place considering the foreseeable risk of system failure that would result from the extreme conditions under which the vessel was operated;
- j. Failed to approach the pier/ dock in a proper direction;
- k. Failed to maintain and/ or reduce speed in accordance with said conditions then existing;
- l. Violated one of more Rules of the Road pertaining to vessels in navigation;
- m. Failed to warn Claimant of the risks inherent in said operation of the vessel;
- n. Failed to keep a proper lookout;
- o. Failed to operate and maintain a safe, properly equipped, seaworthy vessel with a properly trained and competent crew;

- p. Failed to operate the ferry Seastreak Wall Street at a speed and in a manner appropriate to the conditions prevailing at the time of the casualty, failed to observe and utilize available navigational aides, failed to use navigational equipment available on the Vessel, and failed to use that degree of care, prudence and skill reasonably to be expected from the owner/ operator of a passenger ferry for hire. All of these acts of commission or omission were within the privity and knowledge of petitioners/ owners.
- q. Such other acts of negligence, recklessness or unseaworthy conditions as shall be revealed through discovery and proven at trial.

7. As a direct and proximate result of the above stated negligent, reckless acts and/ or the unseaworthiness of the vessel, the vessel violently struck the pier/ dock, and Claimant, Yuan Wang, was caused to be violently thrown about, dropping violently back onto the vessel, suffering severe, grievous, permanent and irreparable physical, emotions and psychological injuries.

8. The foregoing collision was caused in whole or in part by the aforesaid negligence, and/ or recklessness of the vessel's master, and/ or its captain/pilot, the vessel's crew, agents, servants and employees, and within the privity or knowledge of Seastreak, LLC, and by the failure of Seastreak, LLC to maintain a safe and seaworthy vessel at the inception of, and during the duration of the voyage.

9. The foregoing collision was caused in whole or in part by the negligence of Seastreak, LLC, in its capacity as vessel owner, and within the privity or knowledge of Seastreak, LLC and the master of the vessel, and/ or its captain/pilot, and by its agents, servants and supervisor, the knowledge of whom is chargeable to Seastreak, LLC.

10. As a result of said negligence, recklessness and unseaworthiness, Claimant, Yuan Wang, suffered severe, grievous, permanent and irreparable physical, emotional and psychological injuries, the full extent of which are not yet known as Claimant, Yuan Wang, and reserves the right to supplement/ amend the following list of injuries:

- a. Orthopedic injuries;
- b. psychological and emotional trauma, anxiety, torment and anguish;
- c. economic loss; and
- d. loss of enjoyment of life.

11. The Vessel SEASTREAK WALL STREET was not seaworthy since it lacked important and essential navigational equipment; it lacked important and essential safety equipment; it was not properly loaded; it was overloaded; it had not been properly maintained; and its crew and operator had not been properly trained. All of these deficiencies were within the privity and knowledge of the petitioners/ openers.

12. Claim is being made for compensatory damages for these injuries, punitive damages, plus pre- and post judgment interest, costs of suit and attorney's fees.

13. Claimant is entitled to maintain an action to recover damages for the injuries sustained and hereby claims \$ 250,000.00 as the amount of such damages, no part of which has been paid.

14. The claim in this litigation proceeding is being made under protest and without prejudice to Claimant's position that this limitation action is improper, that the limitation action is brought in bad faith and based upon an intentional misstatement of the facts, and should be dismissed.

WHEREFORE, the said Claimant, Yuan Wang, as aforesaid, demands judgment in the amount of \$ 250,000.00, plus pre- and post judgment interest, costs and attorney's fees.

WHEREFORE, claimant having fully answered, prays:

That an order be entered herein that petitioner is not entitled to exoneration from liability herein;

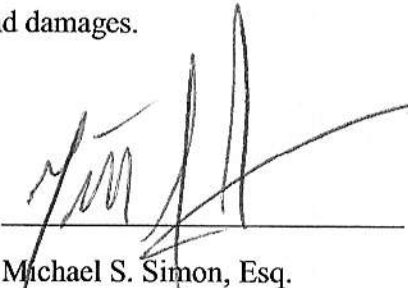
That an order be entered herein that petitioner is not entitled to limitation of liability herein;

That an order be entered that the occurrence referred to in the complaint happened with the privity and knowledge of the petitioner;

That an order be entered that the claimant be permitted to pursue this action with trial by jury to recover damages against the petitioner for injuries and losses as aforesaid;

That if this Court does not allow the claimant the right of a trial by jury to recover the aforesaid damages, then in such event the claim of the claimant be allowed as requested herein with interest and costs, and that claimant may have such other and further relief as in law and justice he may be entitled to receive;

That claimant be permitted to pursue his claims against such other persons and entities who were also at fault in causing the aforesaid injuries and damages.

A handwritten signature in black ink, appearing to read 'Michael S. Simon', is written over a horizontal line.

Michael S. Simon, Esq.

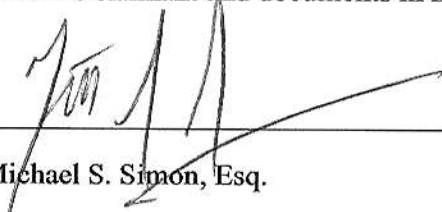
Attorney for Claimant, Yuan Wang

REQUEST FOR JURY TRIAL

The Claimant requests a jury trial on his Claim, which had he been allowed to file in state court, would have been allowed, and as to which he should not be deprived on account of the exoneration claim, particularly if such claim is unsuccessful. Alternatively, Yuan Wang requests an advisory jury.

VERIFICATION

Michael S. Simon, Esq. Being duly sworn, deposes and says that he is an attorney in the office of Simon, Monahan & Simon, LLC and attorney for the within claimant in the above-captioned action; that he has read the foregoing and knows the contents thereof; that the same is true to his own knowledge except as to matters therein stated to be alleged on information and belief and that, as to those matters therein stated to be alleged on information and belief are investigations and representations made by representatives of the claimant and documents in his possession.



Michael S. Simon, Esq.

Sworn to and Subscribed to
before me this 8th day
of May, 2013

